

EDUCATION DEPARTMENT[281]

CHAPTER 100

VISION IOWA SCHOOL INFRASTRUCTURE PROGRAM

281—100.1(78GA, Ch 1174) Purpose. The purpose of the vision Iowa school infrastructure program is to provide financing assistance in the form of competitive grants to Iowa school districts with school infrastructure needs.

281—100.2(78GA, Ch 1174) Definitions. For the purpose of this chapter, the following definitions apply.

“Capacity per pupil” means the sum of a school district’s property tax infrastructure capacity per pupil and the sales tax capacity per pupil.

“Conditional approval” means the awarding of a grant contingent upon the school district’s obtaining its local match if the local match has not been obtained at the time of the application.

“Department” means the department of education.

“Initiated” means that the board has taken formal action by board resolution on or after July 1, 2000, to submit a referendum to the voters; to use accumulated, unobligated funds; or to pursue other funding sources for the project that is the subject of the application.

“Innovative collaboration” means an activity jointly undertaken by the school district with one or more other school districts which is new to the school district and which has been implemented by no other or few other school districts.

“Local match percentage” means a percentage equivalent to either of the following, whichever is less:

1. Fifty percent.
2. The quotient of a school district’s capacity per pupil divided by the capacity per pupil of the school district at the fortieth percentile, multiplied by 50 percent, except that the percentage in this paragraph shall not be less than 20 percent. The school district with the lowest capacity per pupil in the state shall be the school district with the lowest percentile rank.

“Local match requirement” means the total investment of a project multiplied by the school district’s local match percentage. The source of the local match must be one or more of the following:

1. The issuance of bonds pursuant to Iowa Code section 298.18.
2. Local option sales and services tax for school infrastructure received pursuant to Iowa Code section 422E.3.
3. A physical plant and equipment levy pursuant to Iowa Code chapter 298.
4. Other moneys locally obtained by the school district for school infrastructure excluding other state or federal moneys.

“Program” means the school infrastructure program established in 2000 Iowa Acts, Chapter 1174, section 27.

“Project” means a school infrastructure activity of one school district, or the school district’s portion of a school infrastructure activity in collaboration with one or more other public or private entities, that is one of the following:

1. Construction of a separate facility for an attendance center.

2. A grouping of school infrastructure activities at one or more attendance centers.

“Property tax infrastructure capacity per pupil” means the sum of a school district’s levies under Iowa Code sections 298.2 and 298.18 when the levies are imposed to the maximum extent allowable under law in the budget year divided by the school district’s basic enrollment for the budget year.

“Sales tax capacity per pupil” means the estimated amount of revenues that a school district receives or would receive if a local option sales and services tax for school infrastructure is imposed at 1 percent pursuant to Iowa Code section 422E.2, divided by the school district’s basic enrollment for the budget year. For the budget year beginning July 1, 2000, the school district’s actual enrollment shall be used in the calculation in place of the school district’s basic enrollment for the budget year.

“School budget review committee” means the committee established under Iowa Code section 257.30.

“School infrastructure” means one or more of the following activities initiated on or after July 1, 2000: purchasing, building, furnishing, reconstructing, repairing, improving or remodeling a schoolhouse or schoolhouses and additions to schoolhouses, gymnasium, field house, procuring a site or sites therefor, or purchasing land to add to a site already owned. “School infrastructure” does not include those activities related to stadiums, bus barns, a home or homes of a teacher or superintendent, procuring and improving a site for an athletic field, or improving a site already owned for an athletic field.

“Statewide average sales and services tax capacity per pupil” means the estimated sum of revenues that all school districts receive or would receive if a local option sales and

services tax for school infrastructure is imposed at 1 percent pursuant to Iowa Code section 422E.2, divided by the sum of the basic enrollments in all school districts for the budget year. For the budget year beginning July 1, 2000, the actual enrollment in all school districts shall be used in the calculation in place of the basic enrollment in all school districts for the budget year.

281—100.3(78GA, Ch 1174) Application process.

100.3(1) Application period. School districts may submit applications for approval for financial assistance under the program between 8 a.m. and 4:30 p.m. on working days during the following application periods.

a. For the fiscal year beginning July 1, 2000, applications may be submitted to the department on or after November 1, 2000, and hand-delivered or postmarked not later than March 1, 2001.

b. For the fiscal year beginning July 1, 2001, and every fiscal year thereafter in which funding is appropriated, applications may be submitted to the department on or after July 1 and hand-delivered or postmarked not later than October 31.

100.3(2) Application form. The department shall provide an application form. The application form shall be made available to Iowa public school districts at least 15 days prior to the beginning of the application period. Each applicant school district shall use the form prepared for this purpose and in the manner prescribed by the department. A school district may submit only one application during an application period. The application form shall include, but shall not be limited to, the following information:

a. The total capital investment of the project. If the project is in collaboration with other public or private entities, the total capital investment for purposes of this program

shall be limited to the school district's portion of the project. The school district shall include the following information:

- (1) Identification of the collaborating public or private entities;
- (2) Total cost of the collaborative project; and
- (3) Total capital investment of the school district's portion of the project.

b. The amount, source, and percentage of money that the school district will be providing for the project, which shall not include any other state or federal funding. Only funds in the physical plant and equipment levy fund or capital project funds can be used toward the local match requirement. If the project is in collaboration with other public or private entities, the state, federal, or private funds received by the other entities cannot be used toward the local match requirement.

c. The infrastructure needs of the school district specific to the project, especially the fire and health safety needs, including the extent to which the project would allow the school district to meet its infrastructure needs on a long-term basis. If the school district's needs include fire and health safety needs, the school district shall attach to its application form a copy of the citation by the fire marshal for the safety deficiency or evidence of consultation with the fire marshal related to the safety deficiency.

d. The financial assistance needed by the school district based upon the capacity per pupil. The capacity per pupil for each school district will be calculated by the department, and this information will be made available to the applicants.

e. Any previous efforts within the past five years, successful or unsuccessful, by the school district to secure infrastructure funding from federal, state, and local resources. If the previous effort includes a bond issue or a voter-approved physical plant and

equipment levy, the school district shall include a copy of the ballot with the application. If the previous effort includes a regular physical plant and equipment levy, the school district shall include a statement to that effect.

f. Evidence that the school district meets or will meet the local match requirement.

The local match requirement for each school district will be calculated by the department, and this information will be made available to the applicants. The local match requirement shall be met not later than nine months from the date of notification of conditional approval from the department. The local match for any other grant program shall not be the same money used as the local match for this grant program.

g. A description of the nature of the project and its relationship to improving educational opportunities for students including the school district's ability to meet or exceed the educational standards and a list of waivers applied for and granted to the school district excluding early school starting date waivers granted under Iowa Code section 279.10, subsection 4.

h. Evidence that the school district receives local option sales and services tax for school infrastructure under Iowa Code chapter 422E or local option sales and services tax under Iowa Code chapter 422B.

i. A statement identifying the final year of the bonded indebtedness or the final year of the levy or tax if the school district currently has bonded indebtedness, the voter-approved physical plant and equipment levy, or the local option sales and services tax for school infrastructure. The school district shall describe its expenditures from any bond issue, voter-approved physical plant and equipment levy, regular plant and equipment levy, or local option sales and services tax for school infrastructure which it has in place

at the time of the application and list any obligations against those current balances and future revenues.

j. A comprehensive, districtwide infrastructure plan if the school district has an infrastructure plan. The school district shall include the date that the plan was adopted by the board, an executive summary of the plan, and a description of how the project fits within the infrastructure plan.

k. A five-year history of infrastructure maintenance and repair.

l. A budget and timeline for the project. If the local match requirement has not been met at the time of the application, the school district shall include in the timeline a schedule of the steps in its plan to obtain the local match.

m. Evidence that the school district has entered into an innovative collaboration with another school district or school districts, has reorganized pursuant to Iowa Code chapter 275 on or after July 1, 2000, or has initiated a resolution to reorganize by July 1, 2004.

n. A statement certifying the accuracy of the information contained in the application.

100.3(3) Board minutes. A school district shall submit with its application for financial assistance under the program a copy of the minutes of the board of director's meeting showing that the board has authorized the application and the project and has made a commitment to the source and amount for the local match. The section of the board minutes containing this information shall be marked in such a way as to make it easily identifiable.

100.3(4) Number of copies. A school district shall submit with its application for financial assistance under the program three complete sets of the application forms and board minutes with original signatures on all application forms.

100.3(5) Number of grant awards possible. A school district shall not receive more than one grant under the program.

100.3(6) Reapplication. An applicant that is not successful in obtaining financial assistance under the program may apply for financial assistance under the program in succeeding fiscal years.

100.3(7) Maximum request for financial assistance. The maximum amount of financial assistance under the program that can be requested by a school district is the lesser of:

- a. One million dollars, or
- b. The total capital investment of the project minus the local match requirement.

100.3(8) Project timeline. The project shall be completed not later than three fiscal years from the date on which the grant is approved.

100.3(9) Project restrictions. Special restrictions apply to certain projects.

a. If the project is in collaboration with other public or private entities, the school district is eligible to apply only for the school district's portion of the project. The school district must own or retain ownership of the infrastructure for which the application is submitted. This restriction does not preclude shared facility use. State, federal, or private funds received by the other entities cannot be used toward the local match requirement. The application for one school district shall not be contingent upon one or more other school districts receiving an award under this program.

b. A school district may submit an application for a project that includes activities at more than one attendance center. However, if the activities are related to new

construction, the project shall only relate to one attendance center. New construction for purposes of this subrule means a separate, new attendance center.

c. A school district receiving financial assistance under the vision Iowa program pursuant to a joint application submitted under Iowa Code section 15F.302, subsection 3, shall not be eligible to receive financial assistance under the program.

d. A school district that has a local option sales and services tax for school infrastructure imposed at the maximum rate and has local option sales and services tax for school infrastructure revenue per pupil of more than the statewide average of local option sales and services tax capacity per pupil shall not be eligible for financial assistance under the program.

e. All projects must be consistent with the provisions of the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, and Iowa Code chapter 104A.

281—100.4(78GA, Ch 1174) Review process.

100.4(1) Task force. The department shall form a task force to review applications for financial assistance and to provide recommendations to the school budget review committee. The department shall invite participants from large, medium, and small school districts, the state fire marshal's office, education and professional organizations, and other individuals knowledgeable in school infrastructure and construction issues. The department, in consultation with the task force, shall establish the parameters and criteria for awarding grants based on the information listed in 2000 Iowa Acts, Chapter 1174, sections 26 to 28, which includes greater priority to be given to the following:

- a. A school district with a lower capacity per pupil.
- b. A school district whose plans address specific occupant fire and health safety issues.
- c. A school district collaborating or reorganizing as described in subrule 100.3(2) “m.”
- d. A school district for which a local option sales and services tax for school infrastructure has not been imposed or a school district that receives minimal revenues from a local option sales and services tax for school infrastructure when the total enrollment of the school district is considered.

100.4(2) Task force review. The task force, or a subcommittee of the task force and its designees, shall review each application and make recommendations to the school budget review committee regarding awards of financial assistance based on the evidence provided by the applicant pursuant to subrule 100.3(2) and the criteria listed in subrule 100.4(3). A reviewer shall not review any application in which the reviewer has an interest, direct or indirect.

100.4(3) Ranking of applicants. Applicants shall be ranked on a point system within each size category, and awards shall be recommended in rank order beginning with highest points. Applicants which do not receive funding within the applicable size categories will be grouped and ranked on the same point system without regard to size category, and awards will be recommended in rank order beginning with highest points. In the event that two or more school districts tie for a grant award, the applications will be reviewed by one or more additional reviewers until the tie is broken.

The maximum points for an application shall be 505 points. The maximum points for each criterion shall be as follows:

- a. The maximum number of points that can be awarded for the description of the infrastructure needs and the project proposed to alleviate those needs is 50 points with a maximum of 25 points for the description of infrastructure needs and 25 points for the project proposed to alleviate those needs.
- b. The maximum number of points that can be awarded for evidence that the infrastructure need is related to fire or health safety issues and for the severity of the deficiency is 75 points.
- c. The maximum number of points that can be awarded for need based on capacity per pupil is 75 points. The points will be calculated as follows $[(1 - (\frac{\text{the school district's capacity per pupil}}{\text{the capacity per pupil at the fortieth percentile}})) \times \text{maximum points possible}] \times \text{adjustment factor}$. The minimum number of points that can be awarded for need based on capacity per pupil is 0 points. The points will be awarded in relationship to the rank order with the highest points awarded for the lowest capacity per pupil. For the purpose of this paragraph, the adjustment factor is 75 points divided by the result of the formula prior to multiplying by the adjustment factor for the lowest ranked district. The purpose of the adjustment factor is to allow 75 points to be awarded to the lowest capacity district.
- d. The maximum number of points that can be awarded for previous efforts to secure funding within the past five years is 50 points awarded as follows:
- (1) The maximum number of points that can be awarded for previous efforts to secure funding within the past five years using a bond issue referendum is 15 points for previously attempted and passed, 10 points for previously attempted and failed, and 0 points for not previously attempted.

(2) The maximum number of points that can be awarded for previous efforts to secure funding within the past five years using the voter-approved physical plant and equipment levy is 10 points for previously attempted and passed, 5 points for previously attempted and failed, and 0 points for not previously attempted.

(3) The maximum number of points that can be awarded for previous efforts to secure funding within the past five years using the regular physical plant and equipment levy is 5 points with 1 point for each year that the board has imposed the levy during the past five years, and 0 points for not previously imposed.

(4) The maximum number of points that can be awarded for efforts to utilize past, current, and future resources for school infrastructure activities is 20 points.

e. The maximum number of points that can be awarded for the description of the nature of the project, its relationship to improving educational opportunities for students, and its ability to meet or exceed educational standards is 60 points.

f. The maximum number of points that can be awarded for the comprehensive, districtwide infrastructure plan and the description of how this project fits within that plan is 40 points.

g. The maximum number of points that can be awarded for the evidence that the school district has entered into an innovative collaboration with one or more other school districts, has reorganized, or has initiated a resolution to reorganize is 80 points.

h. The maximum number of points that can be awarded because the school district receives no revenues or minimal revenues from a local option sales and services tax for school infrastructure is 75 points. The points will be calculated as follows $(((1 - (\text{school district local option sales and services tax per pupil} / \text{statewide average local option sales$

and services tax capacity per pupil)) x maximum points possible) x adjustment factor].

The minimum number of points that can be awarded because the school district receives no revenues or minimal revenues from a local option sales and services tax for school infrastructure is 0 points. The number of pupils for this calculation will be the same enrollment number used for the calculation of sales tax capacity per pupil. For the purpose of this paragraph, the adjustment factor is 75 points divided by the result of the formula prior to multiplying by the adjustment factor for the lowest ranked district. The purpose of the adjustment factor is to allow 75 points to be awarded to the lowest capacity district.

100.4(4) School budget review committee. The school budget review committee shall review the recommendations for awards from the task force. The committee shall make recommendations on awards to the department for final consideration.

281—100.5(78GA, Ch 1174) Grant award process.

100.5(1) Department determination. The department shall make the final determination on grant awards.

100.5(2) Total amount of awards.

a. For the fiscal year beginning July 1, 2000, the department shall provide grants in an amount of not more than \$10 million.

b. For the fiscal year beginning July 1, 2001, and for the fiscal year beginning July 1, 2002, the department shall provide grants in an amount of not more than \$20 million.

c. If the amount of the grants awarded in a fiscal year is less than the maximum amount provided for grants for that fiscal year, the amount of the difference shall be carried forward to subsequent fiscal years for purposes of providing grants under the

program, and the maximum amount of the grants for each fiscal year shall be adjusted accordingly.

d. If a school district does not meet the local match requirement within nine months of notification of conditional approval from the department, then the department shall deny the financial assistance to the applicant; the financial assistance shall be carried forward to the next available grant cycle; and the maximum amount of the grants for the fiscal year to which the financial assistance is carried forward shall be adjusted accordingly.

100.5(3) Distribution of the awards. The grants shall be allocated in the following manner:

a. Twenty-five percent of the financial assistance each year shall be awarded to school districts with a certified enrollment of 1,199 or fewer students.

b. Twenty-five percent of the financial assistance each year shall be awarded to school districts with a certified enrollment of more than 1,199 students but not more than 4,750 students.

c. Twenty-five percent of the financial assistance each year shall be awarded to school districts with a certified enrollment of more than 4,750 students.

d. Twenty-five percent of the financial assistance each year plus the financial assistance not awarded in “a” through “c” above and any financial assistance not awarded in previous fiscal years shall be awarded to school districts with any size certified enrollment.

100.5(4) Notification. The department shall notify applicants by the following dates.

a. For the fiscal year beginning July 1, 2000, the department shall notify all approved applicants by May 1, 2001, regarding the approval or conditional approval of the application.

b. For the fiscal years beginning July 1, 2001, and every year thereafter in which there is an application period, the department shall notify all approved applicants by December 15 regarding the approval or conditional approval of the application.

100.5(5) Payment. The grant award will be paid to the successful applicant school district following official notification from the school district that the local match requirement has been met.

281—100.6(78GA, Ch 1174) Grantee responsibilities.

100.6(1) Notification of local match. If the local match requirement is not met at the time of the application, the grantee shall notify the department that the local match requirement has been met within ten working days of meeting the requirement.

a. If the local match is a bond issue, the local match requirement is met when the bonds are sold.

b. If the local match is a voter-approved physical plant and equipment levy, the local match requirement is met on the date the votes are canvassed and the election is declared successful.

c. If the local match is a regular physical plant and equipment levy, the local match requirement is met when the total of unobligated resources on hand and certified by the board for the subsequent fiscal year equals the amount of the local match requirement.

d. If the local match is gifts, donations, or other resources, the local match requirement is met when the total of unobligated resources on hand equals the amount of the local match requirement.

100.6(2) Notification of change in local match source. If the source of the local match is not met at the time of the application and the school district changes the proposed source of the local match to other eligible sources of local match, the school district shall notify the department within ten working days of the change in sources.

100.6(3) Accounting for the grant. All revenues associated with the project, including interest revenue on fund balance, and all expenditures associated with the project shall be accounted for in a capital projects fund established for this grant program.

100.6(4) Progress report. A grantee shall submit a progress report to the department as requested by the department. The report shall include a description of the activities under the project, the status of the implementation of the projects, and any other information required by the department.

100.6(5) Actual project cost. If the total actual cost of the project is less than the estimated cost included in the application, the school district shall notify the department within 20 working days following the completion of the project. The allowable grant award and the local match shall be recalculated using the actual costs of the project and the award reduced accordingly. If the award payment to the school district exceeds the recalculated allowable grant award amount, the school district shall return the overpayment to the department with the notification.

100.6(6) Withdrawal from the program. If a school district is granted an award and the school district elects not to continue with the project, the school district shall notify the department within ten working days following the board action to discontinue the project. If the award payment has been made to the school district, the school district shall return the award payment to the department with the notification.

100.6(7) Forfeiture of grant award. Failure to comply with any of the rules in this chapter or with the assurances and information included in the grant application can result in the forfeiture of the grant award.

281—100.7(78GA, Ch 1174) Appeal of grant denial. Any applicant may appeal the denial of a properly submitted grant application to the director of the department.

Appeals must be in writing and received within ten working days of the date of the notice of the decision to deny. Appeals must be based on a contention that the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved conflict of interest by staff or committee members. The hearing and appeals procedures found in 281—Chapter 6 that govern the director's decisions shall be applicable to any appeal of denial.

These rules are intended to implement 2000 Iowa Acts, Chapter 1174, sections 26 to 28.